

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed April 26, 2007, is respectfully requested.

Claim 1 is amended. Claims 27 and 28 are canceled. Claims 1-26, 29-31, 33-34, 109, and 110 remain pending in this application.

Claim 1 is amended to non-radioactive marker/bodies. Claims 27 and 28, which recite "radioactive" are canceled. No new matter is added.

Double Patenting:

The Examiner is requested to stay the double patenting rejection until allowable subject matter is indicated.

102(e) Rejections:

Claims 1-4, 7, 13-15, 23, 24, 26, 27, 31, 33, 109, and 110 are rejected as anticipated by Slater et al (6,080,099). It is respectfully urged that Claim 1, as amended, distinguish over Slater et al. Slater et al.'s invention is directed to radioactive therapeutic seeds. It is respectfully urged that Slater et al. does not teach or suggest the subject matter of amended Claim 1, which recites that the marker and bodies are non-radioactive.

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103 Rejections:

Claims 5, 6, 8-12, 16, 18-22, 25, 28-30 are rejected as obvious over Slater et al, and Claim 17 is rejected as obvious over Slater et al. in view of Good. Slater (which is directed to radioactive seeds) and Good (which is directed to radioactive implants and radiation therapy, as noted in the Abstract of Good) do not teach or suggest the subject matter of amended Claim 1, from which the claims depend. Accordingly, the rejections should be withdrawn.

For all the foregoing reasons, Applicant asserts the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicant's undersigned representative at (513) 337 3535.

Respectfully submitted,
/Gerry Gressel/
Gerry Gressel, reg#34,342

Dated: August 23, 2007